

10737. Misbranding of olive oil. U. S. v. 8 Cans of Olive Oil. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 15152. I. S. No. 8362-t. S. No. E-3564.)

On September 2, 1921, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the District aforesaid, holding a district court, a libel for the seizure and condemnation of 8 cans of olive oil, at Washington, D. C., alleging that the article was being offered for sale and sold by Angelo Chicca at Washington, D. C., and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "Imported Golden Gate Brand * * * Net Contents 1 Gallon * * * The European Export Corp. Washington, D. C., U. S. A. * * * Italy * * *"

Misbranding of the article was alleged in substance in the libel for the reason that the statement, to wit, "Net Contents 1 Gallon," borne on the cans containing the said article, concerning the net quantity of the olive oil contained therein, was false and misleading in that the said statement represented that the said cans contained 1 gallon net of the said article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of said cans contained 1 gallon net of the article, whereas, in truth and in fact, each of said cans contained a less quantity. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the stated quantity, to wit, "Net Contents 1 Gallon," was not correct and represented more than the actual contents of the said package.

On October 5, 1921, the European Export Corp., claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to said claimant upon payment of the costs of the proceedings and the execution of a good and sufficient bond, in conformity with section 10 of the act.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10738. Adulteration of oysters. U. S. v. Henry Clark Bratten. Collateral of \$5 forfeited. (F. & D. No. 15266. I. S. No. 8792-t.)

On November 22, 1921, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Police Court of the District aforesaid an information against Henry Clark Bratten, Washington, D. C., alleging that on January 12, 1921, the said defendant did offer for sale and sell in the District of Columbia, in violation of the Food and Drugs Act, a quantity of oysters which were adulterated.

Examination of a sample of the article by the Bureau of Chemistry of this department showed that it was decomposed.

Adulteration of the article was alleged in the information for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On November 22, 1921, the defendant having failed to enter an appearance, the \$5 collateral which had been deposited by him to insure his appearance was declared forfeited by the court.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10739. Misbranding of salad oil. U. S. v. 22 Cases of Salad Oil. Consent decree of condemnation and forfeiture. Product ordered released under bond. (F. & D. No. 15321. I. S. Nos. 5742-t, 5743-t, 5744-t. S. No. E-3544.)

On or about August 16, 1921, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 22 cases of salad oil, remaining unsold in the original unbroken packages at Buffalo, N. Y., alleging that the article had been shipped on June 11, 1921, from Guttenberg, N. J., and transported from the State of New Jersey into the State of New York, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "One Gallon," or "One-Half Gallon," or "One Quart," "La Provence Salad Oil * * * Littauer Oil Company, Guttenberg, N. J."

Misbranding of the article was alleged in the libel for the reason that the following statements appearing on the cans, to wit, "One Gallon," "One-Half Gallon," "One Quart," were false, misleading, and fraudulent, and for the further reason that said article was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.